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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.766 OF 2003

T.P. Varghese, Proprietor of Nisha Transport).. Plaintiff

Versus

Prathishta Industries Limited).. Defendants

Ms.Kranti S.Anand i/b.P.V. Nelson Rajan for the Plaintiff.

None present for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 24TH APRIL 2006

P.C.:

. The Plaintiff has filed the present Suit to recover an amount of Rs.1,47,990/- together with interest at the rate of 18% per annum. It is the case of the Plaintiff that by an agreement dated 30th April 2001 the Plaintiff had supplied a tanker with the registration No.MH-04-C-826 on 5th May 2001 to the Defendant. The Plaintiff had raised several bills in respect of the work carried out. These bills have remained unpaid except for an amount of Rs.47,012/- which the Defendant paid towards miscellaneous charges. The Plaintiff called upon the Defendant to pay the amount of Rs.1,47,990/- by letter dated 17th April 2002. The Defendant by its communication dated 20th July 2002

agreed to pay the same after deducting the TDS. The Plaintiff accordingly received the TDS certificate but not the principal amount. The legal notice sent by the Plaintiff on 7th August 2002 regarding payment has not been replied by the Defendant.

2. No appearance is filed nor is there any defence raised. Affidavit of service has been filed on record. The Plaintiff has produced the original documents along with the list. The original documents support the case made out by the Plaintiff.

3. Hence, decree as prayed for is granted. However, the interest is reduced to 6% per annum from the date of filing of the Suit till realisation.